

STAFFORD COUNTY SCHOOL BOARD

Agenda Consideration

TOPIC: Right of Way & Easements
Guidelines

ITEM NO.: 13A

PREPARED BY: Scott Horan
Executive Director,
Planning & Construction

MEETING: December 14, 2004
ACTION DATE: December 14, 2004

Andre' A. Nougaret,
Assistant Superintendent
for Support Services

ACTION REQUESTED BY THE SUPERINTENDENT: That the School Board approve the proposed right of way and easement guidelines designed to provide a sound and comprehensive review method for the School Board and staff to use when initiating or evaluating right of way and/or easement actions impacting School Board land and/or interest.

KEY POINTS:

1. At the August 24, 2004 School Board meeting and during discussion of a specific easement request, the School Board directed the Stafford County Public Schools Planning and Construction Department to lead an informal meeting with several members of the School Board, key staff and county members to discuss the merits of establishing a process and/or guidelines associated with reviewing and approving/disapproving right of way/easement request.

2. On August 31, 2004, a meeting was held to discuss general issues associated with establishing a right of way/easement process. Those in attendance included:

Robert Belman (School Board)
Tom Villacres (School Board)
Jeff Harvey (County Planning Dept)
Scott Horan (SCPS)
Brent Thomas (SCPS)
John David Bondurant (SCPS)

3. As a result of the August 31, 2004 meeting the following right of way/easement process considerations were developed:

- Define Process Objective
- Determine Impact on School Attendance
- Determine Short-term Impact on School Facility and Grounds
- Determine Long-term Impact on School Facility and Grounds
- Evaluate Appropriate Level of Considerations (Monetary and Non-monetary)
- Initiate Appropriate Coordination with County Departments

4. On September 14, 2004 Stafford County Public Schools Planning and Construction staff presented to the School Board for information a draft checklist to be used as a starting point for draft guidelines.
5. On November 9, 2004 Stafford County Public Schools Planning and Construction staff presented to the School Board for information a proposed Right of Way & Easement Guidelines that incorporated the draft checklist.

Stafford County Public Schools
Proposed Right of Way & Easement
Guidelines

Organization Requesting an Easement/Right of Way from Stafford County Public Schools (SCPS)

1. Review request, make contact with Organization and obtain background and supporting information
2. Determine the impact approving the request will have on potential student enrollment (e.g., approving a storm sewer easement for a 500 single family housing development is expected to add 213 students to school attendance zone A and B)
3. Evaluate the short-term and long-term impact approving the request will have on the school facilities and grounds
4. Have agreement reviewed by SCPS legal representative; Organization to reimburse SCPS for legal fee
5. Have requesting organization obtain appraisal from firm selected by SCPS (if monetary or other considerations is to be part of the agreement)
6. Have Principal/Administrator from the impacted facility/school review easement/right of way request and provide feedback
7. Define the appropriate level/amount of considerations expected of requesting organization
8. Present request and all information gathered to date to School Board as information and obtain feedback from School Board
9. Negotiate potential considerations to be payable to SCPS
10. Have requesting organization develop plat information and make any modification to plat.
Have Organization obtain appropriate Civil Engineer stamp/approval and ensure revised plat (if applicable) is signed and ready for submittal.
11. Develop School Board Agenda Item and present to School Board at a School Board

- meeting(s). School Board agenda item will address all areas outlined in the guidelines.
12. Have requesting organization present at School Board meeting(s) to speak on their behalf.
 13. Have requesting organization pick up signed/unsigned documents following School Board meeting
 14. Have requesting organization execute and follow up with County Planning Staff all necessary reviews. Requesting organization to cover all recordation cost of plat(s) and deed(s)
 15. Have requesting organization provide SCPS with county recorded/approved easement/right of way

If SCPS is requesting an Easement/Right of Way from a second party:

1. Ensure requirement is valid and approval to proceed with easement/right of way action is obtained from SCPS Senior Staff (Assistant Superintendent or Superintendent) and/or School Board
2. Make contact with second party (land owner, etc.). Send written correspondence to second party expressing interest and provide a follow-up telephone call within five days from mailing to discuss School Board requirements
3. Meet with second party to discuss easement/right of way
4. Obtain topographical and plat information on property through civil engineering firm or through in-house means (Planning) as situation warrants
5. Obtain second party's permission to proceed with survey and appraisal processes
6. Arrange appraisal and survey work with contracted entities
7. Obtain completed survey and appraisal information
8. Identify and obtain funding source for easement/right of way
9. Develop easement/right of way contract between SCPS and second party. SCPS will need to secure legal assistance.
10. Negotiate easement/right of way considerations with second party and fine tune contract language
11. Obtain formal School Board approval

12. File and record deed of easement/right of way with Stafford County if easement/right of way is dedicated to public use

SCHOOL BOARD GOAL: #5 – Provide facilities that promote student learning and community support.

#7 – Provide school environments where teachers are safe to teach and students are safe to learn.

FUNDING SOURCE: N/A

AUTHORIZATION REFERENCE: N/A